

1 William S. Klein (State Bar No. 121792)  
wklein@hopkinscarley.com  
2 Robert A. Christopher (State Bar No. 89035)  
rchristopher@hopkinscarley.com  
3 Eugene Ashley (State Bar No. 171885)  
eashley@hopkinscarley.com  
4 Noelle R. Dunn (State Bar No. 226913)  
ndunn@hopkinscarley.com  
5 HOPKINS & CARLEY  
A Law Corporation  
6 The Letitia Building  
70 South First Street  
7 San Jose, CA 95113-2406

\*E-FILED 2/10/09\*

8 ***mailing address:***

P.O. Box 1469  
9 San Jose, CA 95109-1469  
Telephone: (408) 286-9800  
10 Facsimile: (408) 998-4790

11 Attorneys for Plaintiff/Defendant/Third Party  
12 Plaintiff GLASFORMS, INC., a California  
corporation

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN JOSE DIVISION

16 DONG AH TIRE & RUBBER CO., LTD.,  
a Korean Corporation,

17 Plaintiff,

18 v.

19 GLASFORMS, INC., a California  
20 corporation,

21 Plaintiff/Defendant/  
22 Third-Party Plaintiff.

23 v.

24 CTG INTERNATIONAL (NORTH  
AMERICA) INC., an Indiana Corporation;  
25 TAISHAN FIBERGLASS, INC., a  
corporation organized under the laws of the  
26 People's Republic of China,  
Defendants/Third-Party Defendants.

CASE NO. C 06-03359 JF  
(Consolidated With Case No. C 06-00213 JF)

**STIPULATION TO SCHEDULE  
FURTHER BRIEFING ON GLASFORMS'  
MOTION TO COMPEL AND MOTION  
FOR SANCTIONS; ~~PROPOSED~~ ORDER  
THEREON**

1 This revised stipulation is entered into between Plaintiff/Defendant/Third-Party Plaintiff  
 2 Glasforms, Inc. ("Glasforms"), Third-Party Defendant CTG International (North America) Inc.  
 3 ("CTG"), and Third-Party Defendant Taishan Fiberglass, Inc. ("Taishan"), by and through their  
 4 respective counsel of record.

### 5 **RECITALS**

#### 6 Glasforms' Motion for Sanctions

7 WHEREAS, a hearing on Glasforms' Motion for Sanctions Due to Taishan's Spoliation of  
 8 Evidence ("Motion for Sanctions") was held on August 13, 2008;

9 WHEREAS, the Court on September 19, 2008 issued an Interim Order regarding the  
 10 Motion for Sanctions which required Glasforms and Taishan to file supplemental briefs by  
 11 November 3, 2008;

#### 12 Glasforms' Motion to Compel

13 WHEREAS, a hearing on Glasforms' Motion to Compel further Responses by Taishan to  
 14 Requests for Production of Documents and Things, Sets Four and Five ("Motion to Compel")  
 15 was held on October 22, 2008;

16 WHEREAS, the Court ordered Glasforms and Taishan to meet and confer and file a five  
 17 page supplemental brief, jointly or separately, explaining what remains at issue in the Motion to  
 18 Compel by November 5, 2008;

#### 19 Toll of Litigation Activity

20 WHEREAS, Glasforms, CTG, and Taishan (collectively the "Parties") executed a  
 21 stipulation to mediate the above-captioned matter before the Honorable Walter P. Capaccioli  
 22 (Ret.) on December 12, 2008;

23 WHEREAS, the Court on November 5, 2008 issued an order based upon said stipulation  
 24 which tolled all litigation activity and deadlines pending the mediation;

25 WHEREAS, the Parties agreed to reschedule the mediation to January 9, 2009;

26 WHEREAS, to conserve the resources of the Parties and the Court, the parties stipulated  
 27 to continue to toll all litigation activity and deadlines pending the rescheduled mediation;  
 28

1 WHEREAS, the Court on December 5, 2008 issued an order based upon said stipulation  
2 which tolled all litigation activity and deadlines pending the rescheduled mediation;

3 WHEREAS, the Parties did not reach a settlement at the mediation;

4 NOW THEREFORE, IT IS HEREBY AGREED AND STIPULATED, by and between  
5 Glasforms, CTG, and Taishan, through their respective counsel of record, and subject to Court  
6 approval, that:

7 (A) All meet and confer efforts regarding Glasforms' Motion to Compel shall be  
8 completed by February 13, 2009;

9 (B) supplemental brief(s) regarding Glasforms' Motion to Compel shall be filed by  
10 each party, jointly or separately, by February 20, 2009; and

11 (C) supplemental briefs regarding Glasforms' Motion for Sanctions shall be filed by  
12 each party by February 27, 2009.

13 IT IS SO STIPULATED:

14 Dated: February 9, 2008

HOPKINS & CARLEY  
A Law Corporation

15  
16  
17 By: /s/ Noelle R. Dunn  
Robert A. Christopher  
Eugene Ashley  
Noelle R. Dunn  
Attorneys for Plaintiff/Defendant/Third-  
18 Party Plaintiff GLASFORMS, INC.  
19

20 Dated: February 9, 2008

CAMPBELL, Warburton,  
21 FITZSIMMONS, SMITH, MENDELL &  
PASTORE  
22

23 By: /s/ J. Michael Fitzsimmons  
J. Michael Fitzsimmons  
24 Lisa Jeong Cummins  
25 Attorneys for Third Party Defendant  
CTG INTERNATIONAL (NORTH  
26 AMERICA) INC.  
27  
28

1 Dated: February 9, 2008

BAKER & DANIELS LLP

3 By: /s/ Kevin M. Toner

4 David K. Herzog

Kevin M. Toner

5 April Sellers

Jennifer M. Phelps

6 Attorneys for Third-Party Defendants

TAISHAN FIBERGLASS, INC. and CTG

7 INTERNATIONAL (NORTH

AMERICA) INC.

8  
9 IT IS ORDERED that:

10 (A) All meet and confer efforts regarding Glasforms' Motion to Compel shall be  
11 completed by February 13, 2009;

12 (B) supplemental brief(s) regarding Glasforms' Motion to Compel shall be filed,  
13 jointly or separately, by February 20, 2009; and

14 (c) supplemental briefs regarding Glasforms' Motion for Sanctions shall be filed by  
15 each party by February 27, 2009.

16  
17  
18 Dated: February 10, 2009



19 HONORABLE RICHARD SELBORG  
20 Magistrate Judge, United States District Court

1 PURSUANT TO GENERAL ORDER NO. 45,

2 I, Noelle R. Dunn, the ECF User transmitting and filing this Revised Stipulation to  
3 Schedule Further Briefing On Glasforms' Motion To Compel And Motion For Sanctions and  
4 [Proposed] Order Thereon, attest that I have obtained the concurrence of Kevin Toner and  
5 J. Michael Fitzsimmons on this filing.

6 I declare the foregoing under the penalty of perjury.

7  
8 Dated: February 9, 2008

HOPKINS & CARLEY  
A Law Corporation

9  
10 By: /s/ Noelle R. Dunn  
11 Noelle R. Dunn  
12 Attorneys for Plaintiff/  
13 Defendant/Third-Party Plaintiff,  
14 GLASFORMS, INC.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28